



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,543	10/23/2003	Rudolf Kusel	086166-0306157	6443

909 7590 02/08/2005

PILLSBURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN, VA 22102

EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
----------	--------------

3679

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,543

Applicant(s)

KUSEL, RUDOLF

Examiner

Greg Binda

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 13-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20031023, 20040308</u> | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

1. Applicant's election with traverse of Species I shown in Figs. 1-5 in the reply filed on December 22, 2005 is acknowledged. The traversal is on the ground(s) that a search and a substantive analysis of Species I will include some of the unelected species. This is not found persuasive because it does address the patentability of the species with regard to each other. Thus applicant has failed to submit valid grounds for overcoming the election requirement. See MPEP 808.01(a).

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 13-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on December 22, 2004.

Drawings

3. The drawings are objected to because:
- a. Reference character α appears in the description of the elected species at paragraph 0054, but does not appear in any of Figs. 1-5.
 - b. Reference numeral 6 appears in Figs. 4 & 5, but is not mentioned in the description.
 - c. Reference numeral 13 appears in Figs. 2 & 3, but is not mentioned in the description.

Art Unit: 3679

- d. Reference numeral 14 is used to indicate an unidentified feature in Fig. 2, and reused to identify a second connector at paragraph 0055.
 - e. The limitations of claims 11 & 12 are not shown in Figs. 1-5.
 - f. Reference numeral 11 is supposed to indicate a hole in the ramp body 5 (see para 0049) but in Fig. 3, the lead line for numeral 11 appears instead to indicate some portion of a wedge(s) (see page 10, line 13).
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The specification is objected to as failing to comply with 37 CFR 1.71 and 1.75(d)(1) because the detailed description fails to provide proper antecedent basis for the following claimed subject matter:

- a. Claim 1, line 8: “an axial displacement limiter”
- b. Claim 1, lines 14 & 15: “the first and second ramps being inclined toward one another to define a stable position”
- c. Claim 1, lines 15 & 16: “the first and second ramps . . . are pressed into engagement with one another”
- d. Claim 1, lines 18-21: all limitations therein
- e. Claim 7: a “transverse” hole

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1, lines 8 , 9, 20 &

Art Unit: 3679

21, recites that the claimed invention comprises an axial displacement limiter that limits rotation.

No such device is taught, mentioned or contemplated in the description of elected species.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. In claim 1 the only expressed function of an “axial displacement limiter” is to limit rotation (see lines 20 & 21). It is not clear why such a device would be called an “axial” displacement limiter. It sounds instead to be a rotational displacement limiter.
- b. Claim 1, line 20 recites the limitation “a maximum rotation” but it is not clear what element(s) is rotating, much less what it is rotating relative to.
- c. Claim 11 recites the limitation “a second pair of first and second ramps” but no such “first pair” is previously recited.

Claim Rejections - 35 USC § 102

10. Claims 1-4 & 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Hupp, GB 203,010. Figs. 5 & 6 show a torsional-vibration damper for decoupling torsional vibration between a drive assembly and a secondary assembly, comprising; a first connector 41 operatively connected to the secondary assembly (see “second shaft” at page 3, line 125), the first connector comprising a hollow cylinder 52; a pressure body 50 connected to the first connector; a second

Art Unit: 3679

connector 38 operatively connected to the first connector permitting transmission of rotational motion there between; an axial displacement limiter 34 associated with the first connector 38; and a ramp unit 37, 40 disposed within the hollow cylinder 52. Figs. 5 & 6 show the ramp unit comprises: a spring 37 configured to store and release energy generated by axial displacement between the first and second connectors; and a ramp body connected to the second connector, the ramp body comprising two pairs of first and second ramps 40 operatively interactive with the pressure body 50, the first and second ramps of each pair being inclined toward one another (see Fig. 6) to define a stable position when the first and second ramps 40 and the pressure body 50 are pressed into engagement with one another by the spring (see Fig. 5). The first and second connectors are rotatable with respect to one another and the axial displacement limiter 34 limits the maximum rotation out of the stable position (see page 4, lines 60-75). Fig. 6 shows the first and second ramps 40 subtend an angle that is between 80 and 140 degrees.

11. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Urtel et al, US 782,473. Figs. 1-3 show a torsional-vibration damper for decoupling torsional vibration between a drive assembly E and a secondary assembly D, comprising; a first connector A operatively connected to the drive assembly, the first connector comprising a hollow cylinder A; a pressure body/pin F; connected to the first connector; a second connector C operatively connected to the first connector permitting transmission of rotational motion there between; an axial displacement limiter associated with at least one of the first and second connectors; and a ramp unit disposed within the hollow cylinder. Figs. 1-3 show the ramp unit comprises: a spring G configured to store and release energy generated by axial displacement between the first and second

Art Unit: 3679

connectors; and a ramp body defining a transverse hole H connected to the second connector, the ramp body comprising two pairs of first and second ramps (see Fig. 2) operatively interactive with the pressure body F, the first and second ramps of each pair being inclined toward one another (see Fig. 2) to define a stable position when the first and second ramps and the pressure body are pressed into engagement with one another by the spring. The first and second connectors are rotatable (page 1, lines 49 & 50) with respect to one another and the axial displacement limiter limits the maximum rotation out of the stable position. Fig. 2 shows the first and second ramps of a hole H subtend an angle that is between 80 and 140 degrees.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Watts and Entz each show torsional-vibration damper.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda
Primary Examiner
Art Unit 3679